

REMARKS

Applicants respectfully request reconsideration of the present U.S. Patent application. Claims 1, 2, 4, 6, 7, 9, 11, 12, 14, 16, 17 and 19 stand rejected under 35 U.S.C. § 102. Claims 1, 6, 11 and 16 have been amended. Claim 21 has been added. No claims have been canceled. Thus, by this amendment, claims 1, 2, 4, 6, 7, 9, 11, 12, 14, 16, 17, 19 and 21 are pending.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 4, 6, 7, 9, 11, 12, 14, 16, 17 and 19 were rejected under 35 U.S.C. § 102(e) as being clearly anticipated by U.S. Patent No. 6,129,274 issued to Suzuki (Suzuki). For at least the reasons set forth below, Applicants submit that claims 1, 2, 4, 6, 7, 9, 11, 12, 14, 16, 17 and 19 are not clearly anticipated by Suzuki.

Claim 1 recites the following:

providing, at a remote location of a personal electronic device of a user that runs a browser application, access to a set of products available for electronic ordering by the user via the personal electronic device;

monitoring products ordered by and shipped to an address associated with the user;

providing automatically, at the location of the personal electronic device, in response to subsequent accesses by the user via the personal electronic device, a list of products previously ordered by the user and shipped to the address;

reordering a product in response to the product being selected from the list via the personal electronic device; and

suggesting to the user additional products related to the product selected for reorder.

Claim 6 is drawn to a machine-readable medium, and recites similar limitations.

Claim 11 is an apparatus claim written in means-plus-function language, and recites similar limitations. Claim 16 is an apparatus claim, and recites similar limitations. A

proper rejection under 35 U.S.C. § 102 requires that a single prior art reference teach each and every element of the rejected claim. See MPEP § 2131.

Suzuki discloses storing a customer's personal information, demographic profile and shopping transaction history on a customer ID card that provides in-store promotional and shopping assistance. See col. 6, lines 31-38, col. 8, lines 38-41. The customer inserts the ID card into a reader unit, in order to access an in-store kiosk terminal to select items for purchase from a merchandise inventory database. See col. 7, lines 7-18. The kiosk terminal is not a personal electronic device of a user, since it is available to any customer who enters the store and inserts an ID card. Moreover, the kiosk terminal is not at a remote location, since it is located in the store, plus *Suzuki* does not disclose that the kiosk terminal runs a browser application. Accordingly, *Suzuki* does not disclose providing, at a remote location of a personal electronic device of a user that runs a browser application, access to a set of products available for electronic ordering by the user via the personal electronic device.

Suzuki further discloses that the in-store kiosk can be used to recommend promotional items based on demographic information or recent purchases. See col. 7, lines 36-57. The kiosk can be used to make purchase recommendations for replenishment items, based on the last purchase date of the item as determined from a customer's IC card, and display a replenishment item recommendation list. See col. 14, lines 1-13. In addition, for items on the ID card that do not have a purchase history, the kiosk can be used to offer those items to the customer on a promotional basis in order to entice the customer to purchase those items. See col. 14, lines 13-20. Thus, although *Suzuki* discloses that the kiosk displays a replenishment list, but does not disclose that the

kiosk reorders a product, much less doing so in response to an item being selected from a list. Moreover, products that do not have a purchase history, as disclosed in *Suzuki*, cannot be reordered. It follows that *Suzuki* does not disclose suggesting products related to product selected for reorder, since *Suzuki* does not disclose selecting products for reorder. Accordingly, *Suzuki* does not disclose reordering a product in response to the product being selected from a list via a personal electronic device, and suggesting to a user additional products related to the product selected for reorder.

Thus, *Suzuki* fails to teach all of the limitations of claims 1, 6, 11 and 16. Consequently, *Suzuki* does not clearly anticipate the invention in claims 1, 6, 11 and 16 for at least the reasons set forth above. Applicant therefore respectfully requests that the Examiner withdraw the rejection of claims 1, 6, 11 and 16 under 35 U.S.C. § 102.

Claims 2 and 4 depend from claim 1. Claims 7 and 9 depend from claim 6. Claims 12 and 14 depend from claim 11. Claims 17 and 19 depend from claim 16. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 2, 4, 7, 9, 12, 14, 17 and 19 are not clearly anticipated by *Suzuki* for at least the reasons set forth above.

CONCLUSION


For at least the foregoing reasons, Applicants submit that the Examiner's rejections have been overcome. Therefore, claims 1, 2, 4, 6, 7, 9, 11, 12, 14, 16, 17, 19 and 21 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account
number 02-2666.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: May 13, 2003


Joseph A. Pugh
Reg. No. 52,137

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 684-6200